REMARKS

This amendment is submitted in response to the non-final Office action mailed March 19, 2008, in connection with the above-identified application (hereinafter, the "Office Action"). The Office Action provided a three-month shortened statutory period in which to respond, ending on June 19, 2008. Accordingly, this amendment is timely submitted.

I. Pending Claims

Claims 1-16, of which claims 1 and 8 are independent, remain pending. Applicant does not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected or objected-to claims not specifically addressed. Further, Applicant also reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application. The claims have been amended as set forth herein, however, no new matter is introduced by these amendments. Therefore, they all should be entered at this time.

Independent claims 1 and 8 have been amended by the incorporation of the phrase "said pre-treatment composition having a viscosity from about 3,450 to 3,600 cps, as measured by a RVT viscometer with a TA spindle rotating at 10 rpm" after the term "pre-treatment composition" (first occurrence).

The article "a" has been changed to "an" in claims 7 and 15.

The claim dependency of claim 11 has been changed to claim 10.

Support for the above amendments are found in the entire specification, particularly at page 4, lines 16-18.

Applicant submits that the rejections based on indefiniteness and obviousness are overcome in view of the amendments and arguments presented in the response. Applicant, therefore, requests that all amendments be entered at this time and reconsideration of this application in view of the above amendments.

II. Rejections Under 35 U.S.C §112, Second Paragraph

Claims 7, 11-12, and 15 have been rejected as being indefinite. Applicant has amended claim 11 by changing its claim dependency from claim 8 to claim 10, correcting the

typographical error. With reference to the rejection of claims 7 and 15 for inclusion of the term "about," Applicant respectfully submits that the claims are not ambiguous with the inclusion of this term and one of skill in the art well understands the meaning, and the extents of claim coverage are not indefinite. Support is found in the original specification, along with sufficient context to properly delineate the invention. Page 7, lines 3-16, for example. However, in order to expedite prosecution, Applicant has deleted the reference to the term "about" in claims 7 and 15.

In view of the above amendments, and arguments, Applicant respectfully submits that claims 7, 11-12 and 15 are not indefinite. Withdrawal of this rejection is earnestly requested.

III. Rejection Under 35 U.S.C §103

Claims 1-2, 5-10 and 13-16 have been rejected under 35 U.S.C §103(a), for being unpatentable for obviousness over U.S. Patent No. 6,043,202 to Eriksen et al. (hereinafter "Eriksen"), in view of U.S. Patent No. 4,478,853 to Chaussee.

Eriksen generally describes a shampoo composition, an oil composition and a method for the treatment of cradle cap for children and infants. Ericksen's method involves treating the infant's scalp with the oil composition, followed by gently brushing and contacting the scalp with the shampoo and water. After 1-5 days, the cradle cap condition is usually eliminated. Ericksen also generally describes a kit that includes the various components.

In contrast to Ericksen, however, the present invention, particularly as set forth in amended independent claims 1 and 8, as well as the claims that depend therefrom, relates to a method for mitigating the presence of scales on an infant's scalp caused by cradle cap that includes the following sequential steps: (1) loosening the scales by massaging a pre-treatment composition into infant's scalp; (2) using a scale-removing device to remove the scales from the scalp; (3) cleaning the scalp by using a shampoo; and (4) applying a moisturizer to the scalp. The pre-treatment composition, scale-removing device, shampoo and moisturizer, according to the claimed invention, are all included in a single secondary package. In addition, the pre-treatment composition has a viscosity that ranges from about 3,450 to 3,600 cps, as measured by an RVT viscometer with a TA spindle rotating at 10 rpm. This particular claimed feature, however, is neither disclosed nor suggested by Ericksen's composition and method, and entirely absent therein. In addition, Ericksen's method excludes a fourth step, which involves (1) the

application of moisturizer to the scalp after cleansing the scalp with the shampoo, and (2) wherein the moisturizer has a viscosity that ranges from about 9,000 to 14,000 cps, as measured by an RVT viscometer with a TA spindle rotating at 10 rpm. This failure to use a moisturizer in step (4), as in the presently claimed method, was acknowledged in the Office Action.

To remedy this particular deficiency, the Office Action cited a secondary reference, Chaussee, and asserted that Chaussee describes and suggests the use of a moisturizer, which imparts "enhanced emoliency or moisturizing properties and provides extended protection against formation of dry, scaling skin or inhibiting scaling, flaking, drying and other causes of skin irritation." Applicant, however, respectfully disagrees with this assertion and this rejection.

As previously remarked in the Applicant's Response of April 19th 2007, Chaussee generally describes skin conditioning compositions for providing conditioning and protection against dryness. Chaussee's skin conditioning composition includes a hydroalcoholic gel, a silicone gel, a neutralized gelling agent, and a base that includes a panthenol moisturizer and emollient, which is a polyhydric alcohol humectant.

Applicant respectfully submits that Chaussee, like Eriksen, fails to describe and suggest the presently claimed invention. In particular, Chaussee fails to provide any teaching or suggestion for using the skin conditioning compositions with treatments that already claim to remove scaly layers and reduce the tendency of skin to scale, as taught in Eriksen. More specifically, although Chaussee generally describes dry scalp treatment conditions, Chaussee contemplates that the compositions are the only source of skin and scalp conditioning treatment after use of shampoos or detergents that may dry the scalp. Thus, Chaussee fails to describe or suggest the skin conditioning treatment as a necessary step after shampooing, if the shampoo composition itself contains conditioning properties or if some other type of conditioning is provided. As shown in Examples IX and X, Chaussee describes or suggests combining the conditioning treatment with a shampoo composition. Accordingly, there is no suggestion or any hint to combine the skin conditioning composition, as taught by Chaussee, as a last step to the cradle cap treatment method of Eriksen since Ericksen itself describes or suggests a moisturizing shampoo as the final step to the treatment of cradle cap.

Contrary to Eriksen and Chaussee, the claimed invention not only contemplates the need for additional moisturizing beyond the initial conditioning step, scale removal step and cleansing step, all in sequential order, but provides a solution as a final step beyond merely shampooing the

scalp. Neither Eriksen nor Chaussee describes or suggests this additional moisturizing step for cradle cap treatment in infants. Applicant, therefore, respectfully submits that a person of ordinary skill in the art, looking at both Eriksen and Chaussee, would find no motivation or any expectation of success in the Chaussee reference to combine the Chaussee's conditioning composition with Eriksen's shampoo composition and oil composition, as set forth in the presently claimed invention, to resolve the problems of dry scales on the scalp of infants. Applicant also respectfully submits that such a combination would only be a result of hindsight reconstruction based on the teachings and claims in the present application and not in the cited primary and secondary references, which lead away from the claimed invention.

In addition, as explained earlier, the claimed invention as amended also requires that the pre-treatment composition has a viscosity that ranges from about 3,450 to 3,600 cps, as measured by an RVT viscometer with a TA spindle rotating at 10 rpm. This feature is absent in both Eriksen and Chaussee, and not suggested in any combination of the two references.

In view of the remarks presented hereinabove and claim amendments, Applicant respectfully submits that the claims, as presently amended herein, are patentable in view of Eriksen and Chaussee. Thus, Applicant respectfully requests the reconsideration and withdrawal of the claim rejections.

Claims 1-4 and 8-12 have been rejected under 35 U.S.C §103(a) as being unpatentable for obviousness over Eriksen, in view of Chaussee, as applied above and in further view of U.S. Patent Publication No. 2002/0039591 to Dahle and in still further view of U.S. Patent No. 5,221,534 to DesLauriers et al. (hereinafter "DesLauriers"). Applicant respectfully disagrees with this chain rejection in view of the following remarks.

The Office Action acknowledged that both the primary and secondary references, Eriksen and Chaussee, fail to describe or suggest the use of a mineral oil, as described by the tertiary reference, Dahle, or gelled mineral oil, as described by the quaternary reference, DesLauriers, as an ingredient of the pretreatment composition for loosening the scales on an infant having cradle cap. To remedy these deficiencies, the Office Action cited both Dahle and DesLauriers to cure the inadequacies of the primary and secondary references.

Similar to Chaussee, both Dahle and DesLauriers also fail to cure the serious deficiencies of Eriksen, as noted hereinabove and discussed in earlier responses. Additionally, the tertiary and quaternary references fail to cure the deficiencies of the secondary reference. Applicant

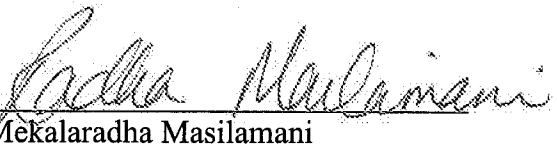
respectfully submits that a person of ordinary skill in the art would not be motivated to combine these four references to have a reasonable expectation of success to arrive at the presently-claimed invention. The skein of thought connecting these disparate references is too tenuous to support the §103(a) rejection.

In view of the arguments presented above and incorporated herein, and in light of the claim amendments, Applicant respectfully submits Dahle and DesLauriers, like Chaussee, do not cure the deficiencies of Eriksen and fail to provide the requisite suggestion. Thus, the claims are believed to be patentable over Eriksen, in view of Chaussee, Dahle and DesLauriers. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the claims.

CONCLUSION

For at least the reasons set forth above, this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly requested. Should the Examiner have any questions that would facilitate further prosecution or allowance of this application, the Examiner is invited to contact the Applicant's representative designated below.

Respectfully submitted,



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